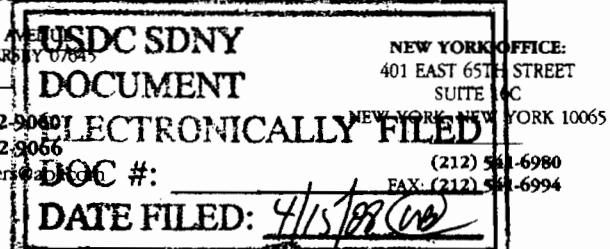
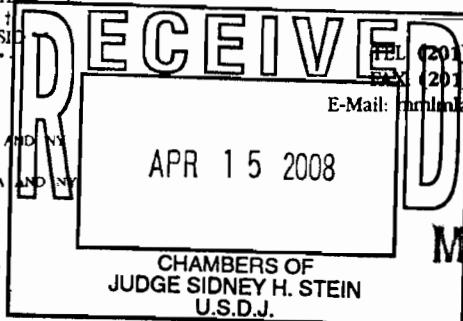


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MEMO ENDORSED

April 15, 2008

**VIA FACSIMILE**

Hon. Sidney H. Stein, U.S.D.J.  
 United States District Court-Southern District of New York  
 500 Pearl Street  
 New York, NY 10007

Re: Anne Bryant v. AB Driots, et al.  
 Docket No. 07-CIV-6395  
Our File No. 3892

Dear Judge Stein,

We represent Plaintiff and we write in connection with the pending motions, including Plaintiff's Rule 11 Motion.

For the following reasons, we respectfully request the withdrawal of our Rule 11 Motion at this time. Our reasons are:

- A. As the Court admonished us at the last hearing, the specific terms of Rule 11 require that the motion be made separately-we acknowledge that deficiency;
- B. We intend to file an application later this week in the New York Supreme Court in Rockland County to vacate the Clerk's Final With Prejudice Judgment entered on May 8, 2007. New York law is clear that the Clerk may not expand or enlarge the decision of the Trial Court and the insertion in the Judgment of the words "with prejudice" by Sunbow's counsel was without authority; and;

April 15, 2008  
 PLT's cross-motion  
 for Rule 11 sanctions Docket # 46  
 is dismissed at this time.  
 reargt.  
 S ordered.  
 Sidney H. Stein  
 VJOI

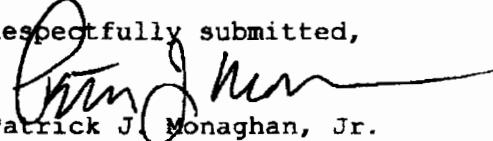
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C. We expect that in connection with the proceedings in the Supreme Court Rockland County we will be issuing safe harbor letters to each of the moving defendants.

Under these circumstances, we respectfully request that that portion of our opposition papers constituting a cross-motion under Rule 11 be deemed withdrawn at this time. The Court is obviously free to consider sanctions sua sponte. Chambers v. NASCO, Inc., 501 U.S. 32, 43 at FN8; 111 S. Ct. 2123, 2132 at FN8; 115 L. Ed. 2d 27, 43; 1991 U.S. LEXIS 3318.

Respectfully submitted,

  
Patrick J. Monaghan, Jr.

PJM:to

cc: All Counsel via E-mail